

No. 26/59/80-1GSI

From

The Chief Secretary to Government, Haryana.

To

1. All Heads of Departments, Commissioners, Ambala and Hissar Divisions, all Deputy Commissioners and Sub Divisional Officers (Civil) in Haryana.
2. The Registrar, Punjab and Haryana, High Court, Chandigarh.

Dated Chandigarh, the 22nd September, 1980.

Subject :—Procedure to be followed in cases where the turn of an officer, whose conduct is the subject of an enquiry comes up for promotion to a higher post.

Sir,

I am directed to invite a reference to erstwhile Punjab Government circular letter No. 584-1GSI-66/2807 dated, the 8th February, 1966 which *inter alia* provides as under —

“Whereas every officiating vacancy may have to be filled immediately after it has arisen in the interest of administration, there is no such compelling necessity in the case of substantive vacancies and these should invariably be kept reserved for the employees, against whom enquiries are in progress, and a final decision taken on the completion of the enquiry. Of course, only one substantive vacancy need be reserved for each employee under enquiry and subsequent vacancies may and should be filled up with his juniors, if they are otherwise fit, without waiting for the result of the enquiry”.

The Government has considered the matter further and it has been decided that the substantive vacancies, too, need not necessarily be kept reserved for the employees against whom enquiries are in progress and these may be filled, if necessary in the interest of administration, by promoting their juniors by imposing the following condition in their promotion orders :—

“the promotion of (insert the name of the employee to be promoted) is subject to the final decision in the disciplinary proceedings/criminal proceedings that are pending against (insert the name of the senior employee) and (insert the name of the junior employee promoted) who is being promoted shall have no right on the post if (insert the name of the senior employee) is found fit for promotion after the decision of the disciplinary/criminal proceedings.”

The State Law Department has advised that such a condition as referred to above in the promotion order will be quite valid and legal and the junior employee will not be in a position to claim confirmation after the expiry of the probation period.

2. It is requested that action in such matters should be taken in accordance with the above decision.

Yours faithfully,

Sd/-

Joint Secretary, General Administration,
for Chief Secretary to Government, Haryana.

A copy is forwarded to the Financial Commissioner (Revenue) and all Administrative Secretaries to Government, Haryana for information and necessary action.